

IN THE UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

IN THE MATTER OF  
  
MICHAEL A. LARICCIA,  
  
DEBTOR

IN PROCEEDINGS  
UNDER CHAPTER 13  
  
NO. 20-10081  
JUDGE: Cox

OBJECTION TO CONFIRMATION OF THE AMENDED PLAN FILED JULY 20, 2020

NOW COMES MidFirst Bank, by and through its attorneys, Shapiro Kreisman & Associates, LLC, and states as follows:

1. The Debtor filed a Chapter 13 Petition on April 29, 2020. He filed an amended plan on July 20, 2020.
2. The Movant holds a note (or services a loan) that is secured by a mortgage on the Debtor's residence, commonly known as: 16823 Hilltop Avenue, Orland Hills, IL 60487.
3. Pursuant to 11 USC 1322(b)(2) and 11 USC 1322(b)(5), the Debtor may not modify the Movant's right to receive all sums that were due and owing on the date that the case was filed. The loan was in default in the amount of \$20,082.02 on April 29, 2020.
4. Notwithstanding the foregoing, the plan calls for the Chapter 13 Trustee to pay the Movant pre-petition mortgage arrearages of only \$13,571.00, thereby impermissibly attempting to modify the Movant's rights under the terms of the loan documents.
5. Pursuant to 11 USC 1322(d)(1), the Court may not confirm a plan that will require longer than 60 months to complete.

6. Part 2.1 of the amended plan calls for plan payments to continue beyond 36 months in the event it becomes necessary to do so in order to pay the debts provided for by the plan. Even with that extension, after 60 months, the amended plan would still require additional payment of approximately \$7,226.39, thereby resulting in a plan that would require 70 months to complete.

7. As set forth above, the amended plan is unconfirmable as a matter of law.

WHEREFORE, MidFirst Bank prays that confirmation of the plan be denied and for such other relief as the Court deems just.

Respectfully submitted,

/s/ Richard B. Aronow  
Attorney for MidFirst Bank

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**The firm of Shapiro Kreisman & Associates, LLC is a debt collector. This is an attempt to collect a debt. Any information may be used for that purpose. If your personal liability for this debt has been extinguished, discharged in bankruptcy or if a court order prohibits collecting this debt from you personally, then this is an attempt to enforce the Movant's rights with respect to the property addressed herein, and it is not an attempt to collect the debt from you personally.**